

## REMARKS

This preliminary amendment is being filed in connection with an RCE currently being filed for the current application. This Preliminary Amendment includes the changes to the claims included with the amendment previously filed 19 May 2003, which was not entered in the application.

Applicant notes in the examiner's action mailed July 2, 2003, that the Terminal Disclaimer previously filed has been accepted and recorded. Therefore, a copy of the Terminal Disclaimer is not enclosed with this Preliminary Amendment.

Entry of the prior Terminal Disclaimer addresses all the rejections based on obviousness type double patenting. Thus, the only rejection outstanding in this application is the Section 102 rejection over USPN 5,758,257 to Herz et al.

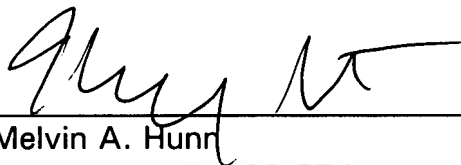
The present application is a continuation-in-part of the '257 patent, as evidenced by the previously accepted Terminal Disclaimer. To the extent that all of the elements of any claims in the present application are anticipated by the '257 patent, they also support, as disclosure, the claims in the present application. Thus, all of such claims have a priority date that is the same as the priority date of the '257 patent, and the '257 patent cannot properly be applied as prior art thereto.

For any of the currently pending claims that include elements that are not contained within the '257 patent, these claims are not anticipated by the '257 patent because they contain elements not shown therein. Thus, the rejection under Section 102 of these claims is improper.

As set forth above, all rejections of these claims, based upon the properly claimed parent application of the present application, cannot be supported. At best, these claims can be rejected under Section 103 as obvious over the '257 patent. However, this situation has already been addressed by the filing and acceptance of the Terminal Disclaimer filed in 2003.

For these reasons, all rejections of the claims in the previous office action are hereby overcome, and the claims currently remaining are in condition for allowance. Applicant respectfully requests reconsideration and allowance of these claims.

Respectfully submitted,



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